

FEDERAL TRADE COMMISSION,)
)
 Plaintiff,)
)
 vs.) Civil Action No. 7 -692
)
 MAGAZINE SOLUTIONS, LLC, *et al.*)
)
 Defendants.)

OPINION
and
ORDER OF COURT

After careful consideration, the Motion is granted. I agree with the Defendants that the Exhibits at issue are not relevant to the matters at hand. The fact that Coupon Connection of America "operated a pyramid scheme which defrauded customers" does not have any tendency to make the existence of any fact that is of consequence to the determination of this action more or less probable than it would be without the evidence. See F.R.E. 401. The exhibits make no mention of the Defendants. Further, the business practices at issue in those exhibits

differ from those attributed by the FTC to the Defendants in this case. The FTC's contention that the evidence is relevant because it demonstrates that information about Coupon Connection of America, Inc. was easily accessible via the Internet and that the Defendants therefore should have been aware that customer complaints regarding coupons were valid is unpersuasive. The FTC has not provided any case law suggesting that Defendants were somehow obligated to conduct research on its third party coupon provider. Nor did the FTC provide evidence that the Defendants were actually aware of the Coupon Connection of America's legal troubles.

Because I grant the Motion on the grounds of lack of relevance, I need not address the challenges to hearsay and authentication.

AND NOW, this 10th day of March, 2009, the Motion in Limine (Docket No. 179) is GRANTED.

BY THE COURT:

/s/Donetta W. Ambrose
Donetta W. Ambrose,
Chief U.S. District Judge